

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CASE NO. 17-mc-50300
HON. GEORGE CARAM STEEH

TAKATA CORPORATION,

Defendant.

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**ORDER DENYING AMENDED NOTICE OF SECOND OBJECTION
TO GUILTY PLEA AND REQUEST TO MODIFY PROPOSED
DRAFT RESTITUTION ORDER (Doc. 7) and NOTICE OF SECOND
OBJECTION TO GUILTY PLEA AND REQUEST TO MODIFY
PROPOSED DRAFT RESTITUTION ORDER (Doc.6)**

On February 27, 2017, Takata Corporation (“Takata”) pled guilty to one count of wire fraud in violation of 18 U.S.C. § 1343, arising out of its fraudulent misrepresentations regarding its defective airbag inflators to Original Equipment Manufacturers (“OEMs”). On the same date, the court entered a Restitution Order requiring, among other things, that Takata pay restitution in the amount of \$125,000,000 to the individuals who suffered or will suffer personal injury caused by the malfunction of a Takata airbag inflator who have not already resolved their claims against Takata. Now before the court is an amended objection to the guilty plea, and a request to modify the proposed draft restitution order. The objection was filed by

counsel, Kevin R. Dean, who represents numerous plaintiffs in the pending multi-district litigation before the Honorable Federico A. Moreno in the United States District Court for the Southern District of Florida, involving personal injury and wrongful death actions arising out of defective Takata airbag inflators.

Specifically, Dean seeks to revise paragraph four of the Restitution Order which provides:

The restitution of \$125,000,000 allocated for the aforementioned individuals shall be paid by the defendant within thirty days of entry of the plea in this case. Upon the later of (a) five years after entry of the plea in this case (the time currently estimated by the defendant for the recall of its defective products to be completed), or (b) the date upon which such recall is complete, any funds remaining of the \$125,000,000 in restitution monies provided for in this paragraph shall be paid to the United States. However, upon reaching either date, the Special Master may request a reasonable extension in light of unresolved or anticipated claims, as circumstances warrant.

(Doc. 24). Dean complains that the time period before any funds remaining from the Individual Restitution Fund revert to the United States should be extended to ten years. As it currently stands, the funds revert at the later of five years, or the date upon which the Takata recall is complete. Dean also seeks to amend the language providing that the Special Master may apply for a reasonable extension of time, to specifically provide that

certain interested parties may also apply for time extensions. Dean sought consent to his objection from Takata and the government, and both opposed his objection. The court has carefully considered the language of the Restitution Order and finds that it adequately protects those victims who have been or will suffer personal injury caused by a defective Takata airbag inflator.

Accordingly, Dean's amended notice of second objection to guilty plea and request to modify proposed draft restitution order (Doc. 7) is DENIED. Dean's notice of second objection to guilty plea and request to modify proposed draft restitution order (Doc. 6) is DENIED AS MOOT.

IT IS SO ORDERED.

Dated: August 28, 2017

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on August 28, 2017, by electronic and/or ordinary mail and also on Kevin R. Dean, Esq., 28 Bridgeside Blvd.
Mount Pleasant, SC 29464.

s/Barbara Radke
Deputy Clerk